

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: SHARON E. FRASE (SF-4906)
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Telephone: (212) 637-2329

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/4/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

Plaintiff,

- v -

ARREST WARRANT IN REM

08 Civ. 1511 (RJS)

The painting known as "Hannibal"
by the artist Jean-Michel Basquiat,
from 1982, an acrylic, oil stick
and paper collage on canvas,
mounted on tied wood,
approximately 60 x 60 inches with
an appraised value of
approximately eight million
dollars;

The painting known as "Modern
Painting with Yellow Interweave"
by the artist Roy Lichtenstein, an
abstract painting with geometric
shapes, including two "half-rings,"
filled with yellow, with black
outlines, and with a black
vertical strip dividing the
painting in two "halves," signed
on the back, with a value of at
least approximately one million,
five hundred thousand dollars;

The painting known as "Figures
dans une structure" [Figures in
a structure], by the artist
Joaquin Torres-Garcia, signed in
the upper left corner, dated in
the upper right hand corner, and
purchased in 2004 for
approximately two hundred thirty

thousand dollars; :

The painting known as "Composition :
abstraite" [Abstract composition]
by the artist Serge Poliakoff, :
painted in 1969, an oil painting
on burlap, with abstract geometric :
shapes in red, blue, yellow and
brown, approximately 162 x 135 :
centimeters, sold at auction in
2004 for more than three hundred :
seventy-eight thousand dollars,

Defendants-in-rem.

-----X

**WARRANT FOR ARREST OF "MODERN PAINTING WITH YELLOW INTERWEAVE,"
BY ROY LICHTENSTEIN AND ORDER FOR NOTICE**

WHEREAS, on May 23, 2008, the United States filed an amended verified complaint for forfeiture (the "Amended Verified Complaint") against four paintings, including the painting known as "Modern Painting with Yellow Interweave" by the artist Roy Lichtenstein, an abstract painting with geometric shapes, including two "half-rings," filled with yellow, with black outlines, and with a black vertical strip dividing the painting in two "halves," signed on the back, with a value of at least approximately one million, five hundred thousand dollars (the "Defendant-in-rem Lichtenstein");

WHEREAS, the Court has reviewed the Amended Verified Complaint and hereby finds, in accordance with Rule G of the Supplemental Rules for Certain Admiralty and Maritime Claims, that (i) probable cause exists that the Defendant-in-rem Lichtenstein is subject to seizure and forfeiture pursuant to 19 U.S.C. § 1595a(c),

*as well as the sworn affidavit
of SA. Jett Taylor, dated June 3,
2008*

because it was introduced or attempted to be introduced into the United States in violation of 18 U.S.C. §§ 542 and 545; and that (ii) probable cause exists that the Defendant-in-rem Lichtenstein is subject to seizure and forfeiture pursuant to 18 U.S.C. § 545, because it is merchandise that knowingly and willfully, with intent to defraud the United States, was smuggled, or clandestinely introduced into the United States by means of false and fraudulent documentation and was introduced by one or more persons, who fraudulently or knowingly imported or brought the Defendant-in-rem Lichtenstein into the United States contrary to law, or received, concealed, bought, sold, or in any manner facilitated the transportation, concealment, or sale of the Defendant-in-rem Lichtenstein after importation, knowing the same to have been imported or brought into the United States contrary to law; and that (iii) the Defendant-in-rem Lichtenstein is subject to seizure and forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), as property which constitutes or is derived from proceeds traceable to an offense constituting "specified unlawful activity" (as defined in Section 1956(c)(7) of . . . [t]itle [18]), or a conspiracy to commit such offense;


IT IS, THEREFORE, ORDERED that:

1. Pursuant to Rule G(3)(B)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims, the Clerk of this Court is hereby directed to forthwith issue a Warrant for the

Arrest of the Defendant-in-rem Lichtenstein, directing the United States Marshal or any other federal law enforcement officer to arrest the Defendant-in-rem Lichtenstein, to make return thereon and to take the Defendant-in-rem Lichtenstein into custody pending further order of this Court;

2. Subsequent to the execution of the process as aforesaid, pursuant to Rule G(4) of the Supplemental Rules for Certain Admiralty and Maritime Claims, the United States shall issue public notice of this action and of the arrest of Defendant-in-rem Lichtenstein, which notice shall be published **one time per week for three consecutive weeks** in the New York Law Journal, a newspaper of general circulation in this District where the action is filed, and **one time per week for three consecutive weeks** in the International Herald Tribune, or such other local or international newspaper of general circulation. Such notice shall specify the time within which a claim and answer must be filed as required by Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims.

Dated: June 4
May, 2008
New York, New York


HONORABLE RICHARD J. SULLIVAN
United States District Judge
Southern District of New York